

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

JOSHUA RYAN AUDREY

Date of Previous Judgment: 2/7/2005  
(Use Date of Last Amended Judgment if Applicable)

Case No: 5:03CR00037-003

USM No: 17941-058

Janna Dale Allison

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31

Amended Offense Level: 29

Criminal History Category: IV

Criminal History Category: IV

Previous Guideline Range: 240 to 240 months

Amended Guideline Range: 240 to 240 months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No reduction recommended due to mandatory minimum sentence of 20 years (240 months).

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 2/7/2005 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: November 5, 2009

Effective Date: November 5, 2009  
(if different from order date)



Richard L. Voorhees  
United States District Judge

